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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/524,076	03/13/2000	Peter Chalkowsky	TN-1698	6474
7	7590 06/05/2003			
Adan Ayala TW199 Black & Decker Corporation 701 East Joppa Road Towson, MD 21286			EXAMINER	
			ASHLEY, BOYER DOLINGER	
			ART UNIT	· PAPER NUMBER
, _			3724	0
			DATE MAILED: 06/05/2003	φ

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Op524,076 CHALKOWSKY, PETER Examiner	. <i>d</i>						
### Examiner Boyer D. Ashley 3724 ### The MAILING DATE of this communication appears on the cover sheet with the correspondence address ### Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ### B Period for entry appendix and is less than the 3/C 3/Q 3/Q 3.p. a reply within the addition of minimum of flort (20) days will be comidiated finally. ### B Period for entry appendix and is less than the 3/Q 3/Q 3.p. a reply within the addition of become ABANDORED (8) 9.3 C, § 133). #### Replication is the state of extended prior of the reply will by stability, cause the application to become ABANDORED (8) 9.3 C, § 133). #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to communication(s) filled on 0/2 July 2001. #### Responsive to Claims #### A SHORT RESPONSIVE to Communication for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. #### Disposition of Claims #### A SHORT RESPONSIVE TO COMMUNICATION #### Responsive to Claims (solution is Filled		Application No.	Applicant(s)				
Boyer D, Ashley 3724		09/524,076	CHALKOWSKY, PETER				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of them may be available used the provisions of 3 CER 1.15(6). In or oversf, however, may a reply be brindy filed or the provision of the	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. Estancisms of time may be available under the provisions of 3 CPR 1.13(6). In no event, horsever, may a reply be timely filed effer SX (6) MONTHS from the mailing date of this communication. If the period or may specified above is less the mine MCQ 120 days. If the period or may specified above is less the mine MCQ 120 days. Fallow to reply valinit his best or evalended principle or may require a fine the mailing date of this communication. Fallow to reply valinit his east or evalended principle for reply will, by statile, cause the application to become ARANDONED (35 U.S. § 133). Any reply received by the Office where then there emments effect the mailing date of this communication, even if timely filed, may reduce any seamed patient term adjustment. See 37 CPR 1.704(b). Status 1) Responsive to communication(s) filed on 02 July 2001. 2a) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) Claim(s) is/are allowed. 6b) Claim(s) is/are allowed. 6c) Claim(s) is/are allowed. 6c) Claim(s) is/are allowed. 6c) Claim(s)		ears on the cover sheet with the t	correspondence address				
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.11 is/are pending in the application. 4a) Of the above claim(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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Application/Control Number: 09/524,076

Art Unit: 3724

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 7/2/01 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-11 are rejected under 35 U.S.C. 102(a) as anticipated by DE 197 06 408 or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 197 06 408.

DE 197 06 408 clearly shows the claimed invention in the figures, e.g., a base (9), a rotatable table (4); a saw assembly and pivot arm (10-12); a sliding fence (6/6') and wherein the area of the blade below the table plane when plunged is between 14.4 and 50 percent of the total blade area or wherein the distance between the first axis and the table plane is about 0.472 times the radius and the distance between the first axis

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and the fence plane is about 1.45 times the radius, and the distance between the first axis and the blade center is about 1.882 times the radius (see Figure 3-5).

In the alternative, even if it is argued that DE 197 06 408 lacks the specific dimensions, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use these specific dimensions or any dimensions depending upon the type and size of the intended workpiece, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Response to Arguments

5. Applicant's arguments filed 7/02/01 have been fully considered but they are not persuasive.

Applicant contends that the previous rejection should be withdrawn because DE 197 06 408 does not qualify as prior art. However, the rejection under 35 USC 102 will not be withdrawn, it should be noted that the previous office action rejection under 102(b) and/or 103(a) was obviously a typographically error and clearly intended as a rejection under 102(a) and/or 103(a). The prior art reference DE 197 06 408 clearly discloses the same invention.

6. For the reasons above, the grounds of rejection are deemed proper.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday thru Thursday between 7:30am and 6:00pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

Boyer D. Ashley Primary Examiner Art Unit 3724

bda June 3, 2003